



Town Council Agenda Report

SUBJECT: Quasi Judicial Hearing: Variance

CONTACT PERSON/NUMBER

Name: Mark Kutney, AICP
Phone: (954) 797-1101

TITLE OF AGENDA ITEM:

V 11-3-99 Andrx Corporation, owner/Randall C. Glover, petitioner - 4955 Orange Drive / Generally located at the northeast corner of Orange Drive and Kean Road.

REPORT IN BRIEF:

The petitioner is proposing to modify the approved site plan of record for the Andrx Corporation building which received site plan approval in October of 1998. The modification will include expansion of the first floor footprint along with a new second floor area with openings to the first floor. Please note, the approved plan of record included a second floor mezzanine, however, the modification will now be considered a full second floor area. In doing so, additional parking spaces are required for the new floor area as the Town of Davie Code does not exempt secondary mechanical floor area from parking requirements. The site cannot accommodate the additional parking facilities on-site, therefore, the petitioner is seeking a variance for those additional required parking spaces (see attached parking breakdown sheet).

According to the petitioner, Andrx desires to increase their manufacturing services to accommodate an increase in demand, and that this new building is the most capable site for handling the increase. The majority of the increase in floor area is on the second floor which is necessary to accommodate placement of mechanical equipment (air handlers) which will run and cool the manufacturing equipment on the first floor. The petitioner has indicated that the mechanical equipment is solely to automate the manufacturing equipment and will not be used for manufacturing purposes, and that equipment be placed under roof, free from the elements. Accordingly, the petitioner argues the new area for mechanical equipment should be exempt from parking requirements. No personnel will be required to run the mechanical equipment or be located in the mechanical areas. The petitioner has indicated a willingness to provide a declaration of restrictions to ensure this area will not be utilized as usable area for business related purposes.

The petitioner has provided a comparison study of parking requirement for various cities within Broward County. This study appears to support the petitioner's claim that mechanical areas secondary to primary manufacturing floor space does not generate parking requirements on the scale that manufacturing does, and indicates that the Town of Davie's parking requirement for manufacturing is among the highest in Broward County.

Staff has previously informed the Town Council that the Town of Davie Code may be inconsistent with the standards throughout the county and intends to review the Town's parking ordinance which may reduce parking requirements for certain uses. A staff analysis will be presented to the Town Council in the near future.

Staff finds that there may be unique and peculiar circumstances applying to the subject property in the form of jurisdictional wetlands that encumber the north 1/3 of the site. The required wetland area will result in an open space ratio that exceeds code requirements (35.0%). Additionally, the strict application of the parking code may constitute an unnecessary hardship upon the applicant based upon the unique

nature of the manufacturing process being utilized which involves extensive floor area to accommodate unmanned mechanical equipment which supports the manufacturing process.

PREVIOUS ACTIONS:

- A variance petition to exceed the maximum height from 35 feet to 45 feet was approved by the Town Council on October 7, 1998 (motion carried 5-0), (V 8-1-98).
- A site plan was approved by the Town Council on October 7, 1998 (Motion carried 5-0), (SP 4-2-98).

CONCURRENCES:

- On February 9, 2000, the Planning and Zoning Board recommended approval (motion carried 5-0), subject to the planning report.

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to approve subject to the planning report.

Attachment(s): Planning Report, Parking Breakdown, Land Use Map, Subject Site Map, and Aerial.

Exhibit "A":

Original Report Date: 1/5/00

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner:

Name: Andrx Corporation
Address: 4001 SW 47th Avenue
Suite 201
City: Davie, FL 33314
Phone: (954) 581-7500

Agent:

Name: Randall C. Glover
Address: 4001 SW 47th Avenue
Suite 201
City: Davie, FL 33314
Phone: (954) 581-7500

BACKGROUND INFORMATION

Application Request: To reduce the required parking from 802 parking spaces to 444 parking spaces.

Address/Location: 4955 Orange Drive/Generally located at the northeast corner of Orange Drive and Kean Road.

Future Land Plan Use Designation: Industrial

Zoning: M-3, Planned Industrial Park District

Existing Use: Manufacturing Plant under construction

Proposed Use: Manufacturing Business

Parcel Size: 13.45 acres (585,882 square feet)

Surrounding Land Use:

North: Warehouses

South: Vacant land, across Griffin Road and New River Canal

East: Warehouses

West: Miscellaneous Warehouse Buildings

Surrounding Zoning:

North: M-3, Planned Industrial Park District

South: B-3, Planned Business Center District, across Orange Drive and the New River Canal

East: M-4, Limited Heavy Industrial (Hacienda Village)

West: M-3, General Industrial District (Hacienda Village)

ZONING HISTORY

Related Zoning History: None

Previous Request on same property:

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DEVELOPMENT PLAN DETAILS

Development Details: The Applicant's SUBMISSION indicates the following:

1. Building Information: 2-story Building

Total Building Footprint:	143,380
Offices:	31,297 square feet
Warehouse Use:	38,401 square feet
Research & Dev:	38,484 square feet
Manufacturing:	67,046 square feet
Mechanical:	<u>69,235 square feet</u>
Total Interior Usable Area:	244,463 square feet

2. Required Parking	802 parking spaces
Parking Provided	444 parking spaces

Applicable Codes and Ordinances

1. LDC, Section 12-208(A)(14), *Manufacturing, fabrication, and industrial uses*, which requires one (1) space for each three hundred (300) square feet of floor area of the building plus one (1) space for each two hundred (200) square feet of office use.
2. LDC, Section 12-208(A)(37), *Warehouses*, which requires one (1) space for every six hundred (600) square feet for warehouses.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 6. This area includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State

Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flex has been applied to industrial land use plan designated lands on both sides of the Davie Road corridor between State road 84 and Nova Drive. The Town is encouraging development and redevelopment of properties within this area to strengthen the Town's non-residential tax base for the future.

Broward County Comprehensive Plan Considerations

This property falls within flexibility Zone 58.

Staff Analysis

The petitioner is proposing to modify the approved site plan of record for the Andrx Corporation building which received site plan approval in October of 1998. The modification will include expansion of the first floor footprint along with a new second floor area with openings to the first floor. Please note, the approved plan of record included a second floor mezzanine, however, the modification will now be considered a full second floor area. In doing so, additional parking spaces are required for the new floor area as the Town of Davie Code does not exempt secondary mechanical floor area from parking requirements. The site cannot accommodate the additional parking facilities on-site, therefore, the petitioner is seeking a variance for those additional required parking spaces (see attached parking breakdown sheet).

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Staff finds that there may be unique and peculiar circumstances applying to the subject property in the form of jurisdictional wetlands that encumber the north 1/3 of the site. The required wetland area will result in an open space ratio that exceeds code requirements (35.0%). Additionally, the strict application of the parking code may constitute an unnecessary hardship upon the applicant based upon the unique nature of the manufacturing process being utilized which involves extensive floor area to accommodate unmanned mechanical equipment which supports the manufacturing process.

Findings of Fact

Variances:

Section 12-309(B)(1):

(a) There may be special circumstances and conditions applying to the land and building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter may deprive the applicant of the reasonable use of such land or building for the intended purpose which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property;

(b) The granting of the variance is necessary for the reasonable use of the land or building for the intended purpose and that the variance as requested is the minimum variance that will accomplish this purpose;

(c) Granting of the requested variances is in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the positive, staff recommends **approval** of petition V 11-3-99, subject to the voluntary declaration of restrictions, to restrict the second floor mechanical area to use of mechanical equipment only and no business related operations requiring personnel.

Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval (motion carried 5-0, on February 9, 2000), subject to the planning report.

Exhibits

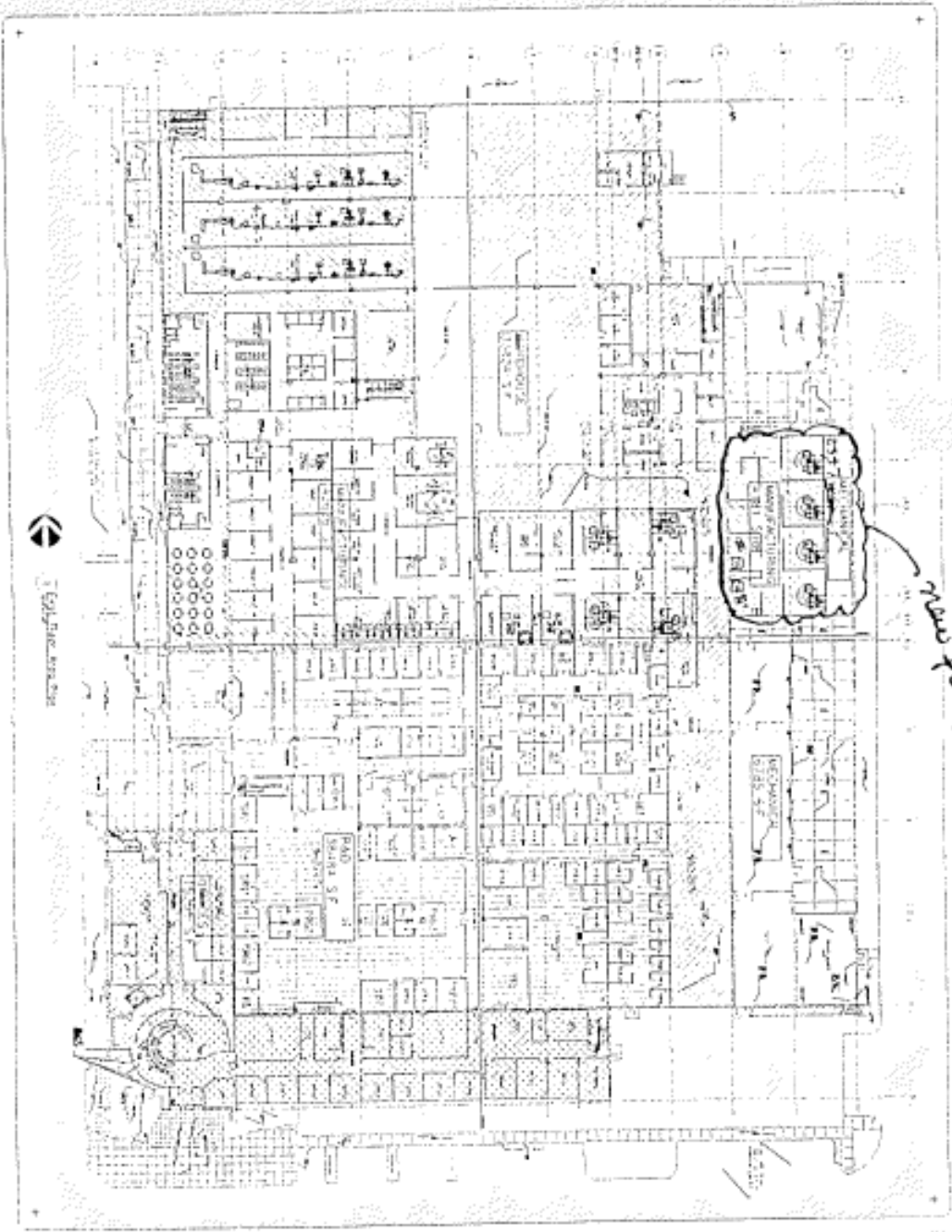
1. Parking Breakdown
2. Land Use Map
3. Subject Site Map
4. Aerial

Prepared by: _____

Reviewed by:

REQUIRED PARKING BREAKDOWN

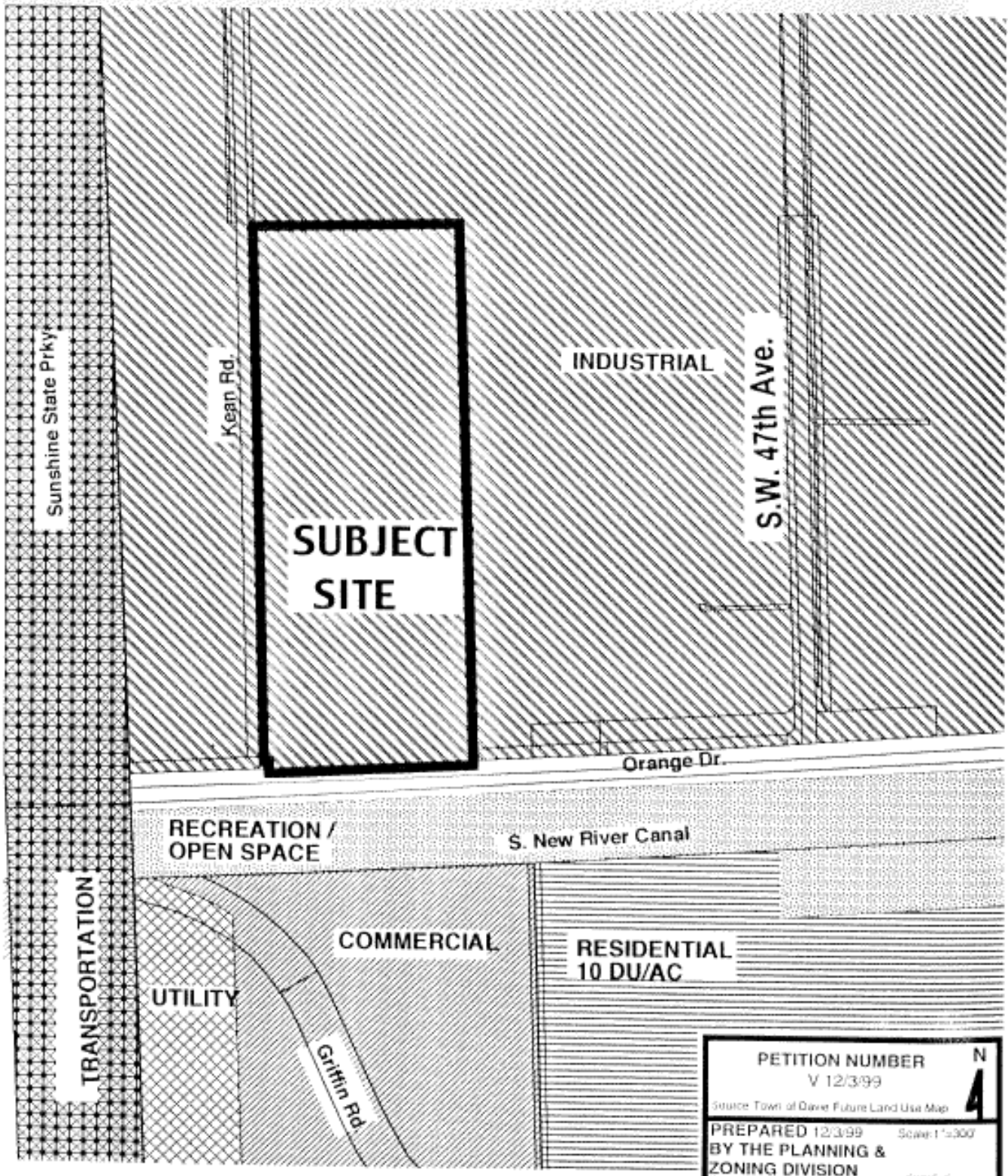
<u>USE</u>	<u>USE SQ. FT.</u>	<u>PARKING REQUIRED</u>
1. Office:	1st Floor: 15,251 2nd Floor: <u>16,046</u> Total: 31,297	156 parking spaces @ 1:200
2. Research & Development	1st Floor: 38,484 2nd Floor: <u>0</u> Total 38,484	128 parking spaces @ 1:300
3. Manufacturing:	1st Floor: 46,807 2nd Floor: <u>20,239</u> Total 67,046	223 parking spaces @ 1:300
4. Warehouse:	1st Floor: 33,824 2nd Floor: <u>4,577</u> Total 38,401	64 parking spaces @ 1:600
5. Mechanical:	1st Floor: 8,014 2nd Floor: <u>61,221</u> Total 69,235	231 parking spaces @ 1:300
TOTAL REQUIRED PARK:		802 parking spaces
TOTAL PARKING PROVIDED:		444 parking spaces
Difference:		358 parking spaces



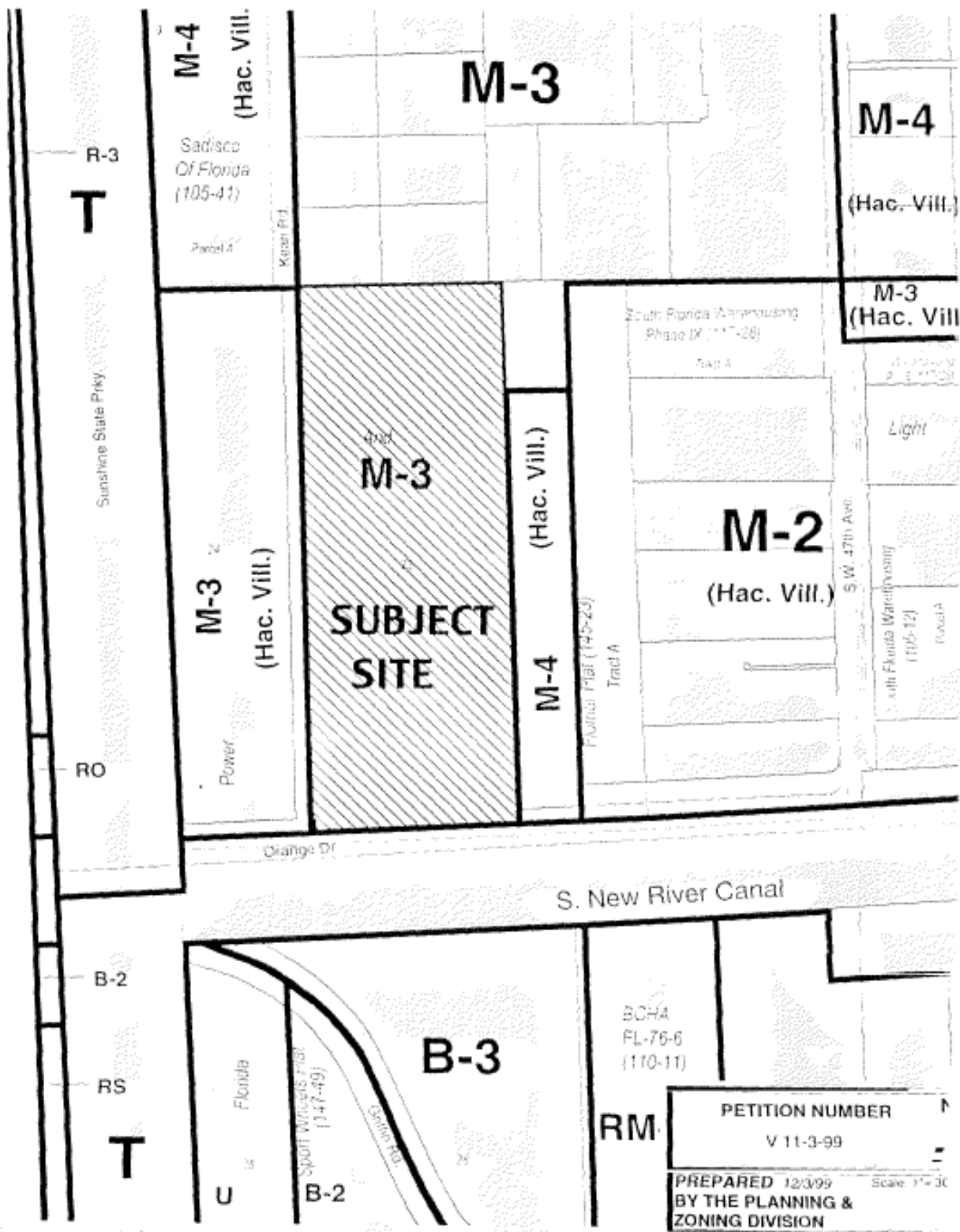
new footwall

Andrx

Flad & Associates



PETITION NUMBER		N 4
V 12/3/99		
<small>Source: Town of Dover Future Land Use Map</small>		
PREPARED 12/3/99		Scale: 1"=300'
BY THE PLANNING & ZONING DIVISION		



FLORIDA TURNPIKE

SALVAGE

KEAN ROAD

SUBJECT SITE

WAREHOUSES

WAREHOUSES

SW 47 AVE

SALVAGE

WAREHOUSES

COMMERCIAL

441 STATE RD 7

ORANGE DRIVE

GRIFFIN RD



DATE FLOWN
JANUARY 1998
SCALE: NTS
V 11-3-99